

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

*Plaintiff,*

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

*Defendants.*

MASIMO CORPORATION,

*Counter-Claimant,*

v.

APPLE INC.

*Counter-Defendant.*

APPLE INC.,

*Plaintiff,*

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

*Defendants.*

MASIMO CORPORATION and  
CERCACOR LABORATORIES, INC.,

*Counter-Claimants,*

v.

APPLE INC.

*Counter-Defendant.*

C.A. No. 22-1377-MN-JLH

**REDACTED - PUBLIC VERSION**

C.A. No. 22-1378-MN-JLH

**REDACTED - PUBLIC VERSION**

**MOTION FOR CONFERENCE TO RESOLVE  
DISCOVERY DISPUTE**

Pursuant to Paragraph 8(g) of the Scheduling Order (D.I. 103, C.A. No. 22-1377; D.I. 92, C.A. No. 22-1378), Defendant Masimo Corporation, Defendant Sound United, LLC, and Counterclaimant Cercacor Laboratories, Inc., respectfully move to schedule a conference to address outstanding disputes regarding the following discovery issues:

- Whether Apple must provide discovery regarding [REDACTED]  
[REDACTED]
- Whether Masimo must provide discovery regarding prior art responsive to Apple's Request for Production Nos. 178-180, 183-199, 257-259, 266-276, and 278.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on August 23, 2023 and on August 30, 2023.

Delaware Counsel:

For Masimo: Megan Haney

For Apple: David E. Moore

Lead Counsel:

For Masimo: Kendall Loebbaka, Jared Bunker

For Apple: Benjamin Luehrs, Jordan Malz

For efficiency, the parties respectfully propose scheduling the conference to take place in person on September 14, 2023, to coincide with the date for the Markman Hearing. Alternatively, the parties also are available for a conference on September 12, 2023 and September 15, 2023.

Dated: September 1, 2023

POTTER ANDERSON & CORROON LLP

PHILLIPS MCLAUGHLIN & HALL, P.A.

/s/ David E. Moore

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